

PLANNING COMMISSION

STUDY SESSION

TUESDAY, AUGUST 20, 2002

Chair Mathewson called the Study Session to order at 6:00 p.m. at the Ralston Village Dementia Care Facility at 1301 Ralston Avenue.

ROLL CALL

Present, Commissioners: Mathewson, Wiecha, Parsons, Gibson, Feierbach, Frautschi

Absent, Commissioners: Torre (C Torre had notified staff at the last Planning Commission Meeting that, since she could not vote on this project, she would not be attending this study session.)

STUDY SESSION

A. 1301 RALSTON AVENUE - Study Session to view story poles for a proposed 155,968 square-foot four-story Congregate Care Facility building adjacent to the Ralston Village Dementia Care Facility. A formal application for the project was filed on May 17, 2002. The Study Session is designed for discussion and feedback in reference to the story poles only; no decisions will be made.

(Appl. No. 02-0017)

APN: 040-170-010; 045-190-030 & 040; Zoned: PD (Planned Development)

Bradford Leibman (Applicant)

Donald Kuemmeler (Owner)

PP de Melo stated that this study session/field trip was provided to give a project description of the bulk, height and massing for the project. There were approximately 50 people in attendance at the proposed project site and everyone was encouraged to provide written comments to staff. PP de Melo continued to stress that it will be a number of months before the formal application for the entitlements will be before the Commission. It will include a view of the projects from the code compliance standpoint, plan development standards, as well as the environmental issues associated with the project. A date has not been set to go before the Planning Commission.

ADJOURNMENT:

The Study Session adjourned at 6:50 p.m. to the regular Planning Commission Meeting at 7:00 p.m. at Twin Pines Senior and Community Center.

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, AUGUST 20, 2002

Chair Mathewson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Wiecha, Parsons, Gibson, Feierbach, Frautschi, Torre

Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

A. Minutes of July 16, 2002

MOTION: By C Frautschi, seconded by C Gibson, to approve the minutes of July 16, 2002.

Motion passed 6/1. VC Wiecha Abstained

5. PUBLIC HEARINGS:

325 MARINE VIEW AVENUE - To consider a Conditional Use Permit and Design Review to replace the existing St. Marks Church roof with a new redesigned roof that includes the addition of a reflected cupola and retains the existing cross. The new building height will be increased from 31 feet to 39 feet.

(Appl. No. 02-0022)

APN: 040-500-220; Zoned: PD (Planned Development)

CEQA Status: Exempt

Frank Gonsalves (Applicant)

Roman Catholic Archbishop of San Francisco (Owners)

PP de Melo summarized the Staff Report and was available to answer questions from the Commission or public.

Applicant Frank Gonsalves, 951 Old County Road, stated that he was available to answer questions from the Commission.

VC Wiecha asked if the frame of the roof would be replaced. Mr. Gonsalves replied that some of the roof would be replaced, however, the roof slope would remain the same. All beams would remain intact and the cupola will have a steeper pitch.

C Parsons stated that as part of the previous project, there were proposed landscape and parking lot improvement plans. C Parsons requested a status update for these projects. Mr. Gonsalves stated that there were no current plans to modify or change existing landscaping or parking. He believed there was an area at the parish center that was allocated for landscaping, however, the funds were not available at that time.

Chair Mathewson asked staff for direction regarding discussion on previous approvals/discussions on issues that were not on the current agenda. PP de Melo replied that several Planning Commissioners voiced concerns to him earlier in the day regarding issues that previously transpired relating to approved building permits, design, and materials related to the parish center. PP de Melo recommended that staff come back to the Commission at a later date with a summary of that history.

VC Wiecha stated that it is her concern that the applicant is requesting entitlements above and beyond what had previously been approved. She believed that there is evidence that they have not fulfilled all requirements of previously approved projects.

C Frautschi asked staff what the height requirements or limits would be on the building if this were not a PD zone. PP de Melo replied that staff would have to find a corresponding zone because churches can be in both commercial and residential zones. The standard maximum height for the commercial zone is 28 feet, 40 feet with a conditional use permit approval in the C1, C2, C3, C4 zones. Anything above 40 feet requires variance approval. In terms of residential zones, the maximum is 28 feet.

Mr. Gonsalves responded to C Frautschi's questions. The cupola would be a dark bronze in color. One of the reasons for replacing the roof at this time was to remove an existing skylight that created a glare and heat problem. Another reason for the cupola was to give the church identification. The church is low in silhouette and can only be seen from 5 feet.

MOTION: By C Parsons, seconded by C Frautschi to close the Public Hearing.

Motion Passed

C Feierbach commented that she had visited the site that day and found that the exterior of the Parish Hall is cinderblock. She did not believe the project was approved to use cinderblock and asked staff to look into this.

C Frautschi wanted to state for the record that he visited the site that day as well. He commented that there should have been an attempt to accomplish getting light into the church within the regulations as they currently exist. He felt the architect could have come up with a plan with a lower profile so that the DDP would not need to be amended.

VC Wiecha agreed with C Frautschi's comments and had concerns regarding the compliance with the previous agreements and entitlements. She stated that she could not make the findings for the Conditional Use Permit and felt the structure was not necessarily compatible with the rest of the church design. She stated she could not approve this particular revision to the church.

C Parsons did not have any objections to raising the roof and felt it would probably look better. He did have concerns about the previous approvals regarding upgrading the landscaping and materials previously chosen for the project. He stated he could not vote for the project without having that information. He recommended that the item be continued to give the Commission time to review it further.

C Gibson thought this was a good project that would be a good enhancement to the church. He was not aware of past commitments that were not kept. He felt those should be addressed but did not think they needed to hold up the present application. He stated that he would support it.

C Torre agreed with both C Parsons' and C Gibson's comments. She found the design acceptable, however was unaware of prior conditions not being filled. She recommended continuance of the item to give her fellow Commissioners time to review previous commitments.

Chair Mathewson was in favor of postponing this item until receiving information from staff on prior conditions.

MOTION: By C Parsons, seconded by C Torre, to continue this item to the Planning Commission Meeting of September 17, 2002.

Ayes: Parsons, Torre, Frautschi, Feierbach, Gibson, Parsons, Mathewson

Noes: None

Motion Passed 7/0

STUDY SESSION:

6. STUDY SESSION

A. DISCUSSION AND RECOMMENDATION ON CITY COUNCIL FALL 2002 PRIORITY CALENDAR

CDD Ewing summarized the staff report and was available for questions. The Commission was asked to focus on existing projects associated with downtown planning: Block 4 Redevelopment, Review Downtown Plans, and the General Plan Update. The consensus identified Review Downtown Plans as its first priority, with Block 4 Redevelopment to follow. The General Plan update was third.

The Commission recommended that the following projects be dropped from the list: Regulation of Child-Care Facilities, View Preservation, and Historical Preservation.

The Commission considered the remaining projects and the following priority order was established.

- ☐ Enforcement of Project Conditions
- ☐ 1365 Fifth Street Planning
- ☐ Commercial Zoning
- ☐ Conceptual / Preliminary Review
- ☐ Redefine Building Height (tie)
- ☐ Tree Ordinance (tie)
- ☐ Delayed / Failed Development Project
- ☐ Exceptions to Development Standards
- ☐ Sign Ordinance
- ☐ Public Hearing Notification

The Commission was asked if it wished to eliminate any of the four projects outside its authority: Tree Planting, Partnership with Oracle, Naming Rights for CalTrain Station, and Creek Restoration. The Commission did not act to drop any of these projects.

7. OLD BUSINESS

A. 621 MASONIC WAY: Review of Final Landscape/Irrigation Plan

AP Swan summarized the staff report adding that staff may have misinterpreted the language of the condition of approval as having some flexibility for legalization of the storage area. AP Swan stated that staff approved the storage legalization in error and suggested that this item could be continued if the Commission desired to review the storage area further. AP Swan was available for questions.

AP Swan stated that the storage was approximately 100 square feet in size and was located on the Northeast side of the property. She confirmed that it was constructed illegally without a permit after the main building was built. The most recent activity was to legalize that construction. AP Swan confirmed that the shorter roof structure is the storage area and the other short roof structure beside it was the kitchen. She stated that the storage area had a door that connected to a new meeting room area.

C Frautschi questioned how the Commission could look at the landscape plan before them without actually knowing what was going to be done. AP Swan suggested that the Commission could look at the merits of the plan as proposed. If the Commission wished to discuss the legalization or removal of the storage area further it would have to be agendaized. C Frautschi was concerned that if the Commission conditionally approved the landscape plan the storage area would get forgotten. C Frautschi was adamant that the storage area be removed.

CDD Ewing stated that the issue before the Commission was the landscape plan as proposed. Based on C Frautschi's position, he would need to vote against the plan.

VC Wiecha stated that she does not believe the proposed landscape plan meets the requirements of the project as it was approved. Therefore, she proposed that the landscape plan is unacceptable because it does not meet the conditions currently in place.

CDD Ewing stated that the landscape plan as presented is based on the fact that the applicant is attempting to legalize the storage shed. If that does not meet with the Commission's approval, they should deny it. If the legalization of the storage shed does not cause great concern, then they could go forward with the proposed landscape plan.

C Torre asked staff, if the applicant did remove the storage shed and landscaped the area and then wanted to put in a storage shed at a later time, under what conditions it would be reviewed. CDD Ewing responded that it would require both a CUP and Design Review.

Responding to C Parsons, CDD Ewing confirmed that the Building Division approved a permit to legalize the 100 square feet and a building permit has been issued. C Parsons believed that the last time this project was reviewed it was agreed that the storage shed would be demolished and replaced with landscaping. However, he felt that if the shed is going to be made legal and conforming he could live with the project without landscaping in the area.

Chair Mathewson asked how it happened that the Building Division approved something when there was a condition stating that it is going to be removed. CDD Ewing responded that it is an administrative problem that is being investigated.

Adam Naser, representing the Yaseen Foundation, expressed his surprise that this is an issue and stated that he had a copy of the condition that he worked from that stated that the applicant shall provide plans for removal or legalization of the storage area on the southeast corner of the building. C Frautschi stated that he amended that condition at the May 21st meeting. Mr. Naser felt that he felt staff had been very professional and cooperative in their dealings, and that the different versions of the argument could have

potentially confused him and staff. The Building Inspector had stated that if it were demolished they would have to enclose the water heater system, which would require a 6x6 structure; the storage area is 10x10.

Li Vellinga, sitting in for Bruce Chan, Landscape Architect, was available to answer questions. C Frautschi asked why the redwood trees that were removed were not replaced with taller-growing trees. Ms. Vellinga stated that it was his understanding that that area needs to be available for a future sidewalk. AP Swan stated that she believes the area is intended to be a bike lane with the Masonic Road expansion, and that a considerable portion of the current landscape area that included the redwood trees is going to be significantly reduced.

Kamal Fallaha, applicant, described the building structure, and added that this was the first time he had read that the storage shed was to be torn down; he believed it was their option to either tear it down or legalize it. He feels it matches nicely and they did so much work. He added that they would have appealed the condition had they known about it since all the utilities come through that area. He felt esthetics would be a problem if all that were to be exposed – all the utility equipment would be visible from the outside of the building.

MOTION: By C Parsons, seconded by C Frautschi, to close the public hearing. Motion passed.

C Torre expressed her concern that the condition in the report that read that the un-permitted rear addition was to be removed was not carried out, but, looking at the realities of what the shed is doing, she would have voted to legalize it. She suggested that the inconsistency would need to be cleaned up at a later meeting, but was not opposed to the landscaping plan or to the shed being incorporated as a permitted structure.

Commissioners Gibson and Parsons agreed with C Torre and C Wiecha had no additional comments.

C Frautschi pointed out that any time one purchases a piece of property they are given information about what is legal and what is not legal. He felt that the applicant knew from the beginning that the storage shed was not legal. He was very specific in the language about having it removed because it is an eyesore, and suggested that the heating and water heater should have been incorporated into the attic space above the kitchen. He felt it was very clear what the Commission wanted. and that the applicant knew it wasn't done.

C Feierbach agreed with C Frautschi's comments.

Chair Mathewson commented that he is frustrated with the whole matter and felt that the Commission was very clear in its earlier discussion of the "storage" area, and had spent an extra meeting at which time they modified the conditions from the May 7th meeting. He felt that they either didn't have complete information or were given inaccurate information regarding the utilities being in that un-permitted area. He is not unhappy with the landscape plan itself, especially with the understanding that some of the right-of-way is going to be taken out and the redwood trees could not have remained.

After discussion, CDD Ewing stated that, if the Commission approves the landscape plan and accepts no landscaping in the area where the existing un-permitted structure is located, therefore rendering Planning and Building Conditions 11 and 2 null and void, the project would not come back to the Commission for revised findings and conditions that eliminate those two conditions. CDD Ewing stated that staff would put a note in the file indicating what happened at this meeting and proceed accordingly. He added that, if the Commission decides that the storage shed can remain, then the Building Official will use the conditions he has, and the item would not have to be revisited. If the Commission decides not to approve the landscape plan based on the storage shed, staff would proceed on that basis and determine with the City Attorney what the best course of action would be.

MOTION: By C Torre, seconded by C Parsons, approving the landscape plan as presented for 621 Masonic Way.

Ayes: Torre, Parsons, Gibson,

Noes: Frautschi, Feierbach, Wiecha, Mathewson

Motion Failed 4/3

CDD Ewing stated that this item is not appealable to the City Council as it is conformance with a condition.

MOTION: By VC Wiecha, seconded by C Frautschi, to deny the landscape plan for 621 Masonic Way as it does not meet conditions 11 of the Planning Division and Condition 2A of the Building Division under Exhibit A of the Approved Conditional Use permit for the project.

Ayes: Wiecha, Frautschi, Feierbach, Mathewson

Noes: Gibson, Torre, Parsons

Motion Passed 4/3

9. REPORTS, STUDIES, UPDATES, AND COMMENTS

C Frautschi volunteered to serve on the Green Task Force. K Parsons volunteered to back him up if needed.

CDD Ewing reported that the Housing Element is on the Council agenda for it's final hearing and action next Tuesday.

Responding to C Frautschi's question, PP de Melo reported that bidding permits for the Arco project were just picked up on August 13th, and grading, hauling and testing of soil would be starting in about four weeks from that date. CDD Ewing added that South County Fire is also reviewed the bids and will be deciding whether to award the bid. The bids were all over the estimate, but several were within \$200,000 of the \$2 million job.

**PLANNING COMMISSION LIAISON TO CITYCOUNCIL MEETING OF TUESDAY, AUGUST 27, 2002:
Chair Parsons, with C Feierbach as the alternate.**

10. ADJOURNMENT:

The meeting adjourned at 9:15 p.m. to a Regular Meeting at 7:00 p.m. on September 17, 2002, at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.